HIGH COURT OF CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri S.R. Nayak, CJ

WRIT PETITION No. 5995 OF 2005

PETITIONER		Kaushal Prasad Sanjay, aged about 27 years, S/o K.R. Sanjay, Caste - Satnami, Occupation - Sarpanch, Village Panchayat - Chikhli, Village & Post - Chikhli, P.S. Pussore, Tehsil & District - Raigarh (Chhattisgarh)
	Versus	
RESPONDENTS	1.	State of Chhattisgarh, Through the Collector, Raigarh, District - Raigarh (Chhattisgarh)
	2.	The Dy. Director, Panchayat, Raigarh, District - Raigarh (Chhattisgarh)
	3.	The Sub-Divisional Officer, Raigarh Sub-Division, Tehsil & District - Raigarh (Chhattisgarh)
	4.	Pyarelal Sao, aged about 32 years, S/o Baniram Sao, Occupation - Panch, Village Panchayat-Chikhli, Village & Post - Chikhli, P.S. - Pussore, Tehsil & District - Raigarh (Chhattisgarh)
	5.	Ram Badan Singh, aged about 60 years, S/o Devendra Singh, R/o village - Chikhli, C/o Deepak Dhaba, Village & Post - Chikhli, P.S. - Pussore, Tehsil & District - Raigarh (Chhattisgarh)

Present : Mr.Sourabh Dangi, learned counsel for the petitioner.

Mr. Yashwant Singh, learned Govt. Adv., for the State.

O R D E R

(Passed on 29th November 2005)

This writ petition is directed against a statutory notice issued under the proviso to Sub-section (1) of Section 40 of the Chhattisgarh

Panchayat Raj Adhiniyam, 1993 (*for short 'the Adhiniyam'*). The proviso to Sub-section (1) of Section 40 of the Adhiniyam contemplates issuance of statutory notice to the person against whom there is a move to unseat him from the office held by him.

(2) I have perused the writ petition averments. Since the petitioner has an opportunity to state his case against the move initiated by the third respondent, there is no necessity for this Court to entertain this writ petition at this stage and pronounce upon the allegations and counter allegations made in the impugned notice and the pleadings of the petitioner respectively. It is for the third respondent to consider and take appropriate action after appreciating the defence/explanation that may be offered by the petitioner. In that view of the matter, the writ petition is dismissed, however, with no costs.

Sd/-
Chief Justice

Brajesh